

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Trusted Realty Investment LLC,

Bank of America, N.A.

Plaintiffs,

Case No. 17-cv-12219

Hon. George Caram Steeh

vs.

Audrey Authur,

Maurice Valentine.

Defendants.

Scott F. Roberts Law, PLC
Scott F. Roberts (P74324)
24359 Northwestern Hwy #150
Southfield, MI 48075
248-234-4060
Attorney for Plaintiff

Audrey Authur and Maurice Valentine
15431 Cruse St.
Detroit, MI 48227
313-687-7757
Pro Se

**PLAINTIFF’S MOTION TO DISMISS UNDER RULE 12(b)(2), RULE 12(b)(5), RULE
12(b)(6) AND RULE 41(a)(2)**

Trusted Realty Investment LLC (“Trusted Realty”), by and through its attorney, Scott F. Roberts, Esq., hereby moves to dismiss this action, based on the following:

1. On May 25, 2017, the current occupant of 15431 Cruse St., Detroit, MI (the “Property”), was served with a Notice to Quit to Recover Possession of Property under MCL 600.5714(1)(a) by the lawful owner of the Property, Trusted Realty Investment LLC.
2. On June 27, the current occupants of 15431 Cruse St., which was later discovered to be Maurice Valentine and Audrey Arthur (“Defendants”), were served a complaint for eviction under MCL 600.5714. See Exhibit A, Complaint.

3. Plaintiff's Complaint did not seek monetary damages; instead, it related solely to equitable relief relating to the real property situated in the State of Michigan.
4. One June 7, 2017, Plaintiff's attorney, Mr. Scott F. Roberts, received a fax from a Ms. Arthur containing a Notice of Removal to Federal Court. See Exhibit B, Notice of Removal by Fax.
5. On July 25, 2017, Defendants filed a motion entitled "Plaintiffs' Response to Order to Show Cause," in which Defendants listed themselves as the Plaintiffs in this present action, and reference "Plaintiffs action" for money damages.
6. Ms. Arthur's Notice of Removal, filed with this court on July 6, 2017, and Defendant's Response to Show Cause, appear to relate to a different case as the Notice of Removal and Show Cause Response: (a) lists different parties than the 36th District Court Eviction Action, (b) states different remedies being sought by plaintiffs, and (c) appears to relate to different causes of action since in this case plaintiffs Bank of America and Trusted Realty are purportedly seeking a monetary award in excess of \$80,000, whereas in the 36th District Court Eviction Action, Plaintiff Trusted Realty is merely seeking to recover possession of its lawfully owned property and did not allege monetary damages.
7. Bank of America, which is listed as a plaintiff on this action, was never served in the 36th District Court Eviction Action, nor is there a record of Bank of America being served as part of this present action or filing a complaint against Defendants, even though it is listed a party to this action.
8. Accordingly, with respect to the present action before the court, Bank of America N.A. et al v. Arthur et al., there is no valid complaint on which the court can grant relief, plaintiffs Trusted Realty and Bank of America are not even aware of the cause of action

they are purportedly seeking, and the Defendants bizarrely appear not to know whether they are the plaintiffs or the defendants.

9. Because there is no cause of action or claim on which relief can be granted, and because service was never obtained for Bank of America, this case must be dismissed under Rule 12(b)(2), Rule 12(b)(5), Rule 12(b)(6).

10. Further, Plaintiff Trusted Realty, the only plaintiff that has appeared on this case or filed a complaint with respect to the Property, is further seeking to voluntarily dismiss this claim under Rule 41(a)(2).

WHEREFORE, Plaintiff Trusted Realty respectfully requests this Court to:

- a. Grant Plaintiff's request for voluntary dismissal of this case under Rule 41(a)(2), or, alternatively,
- b. Dismiss this current action with prejudice under Rule 12(b)(2), Rule 12(b)(5), and/or Rule 12(b)(6),

SCOTT F. ROBERTS LAW, PLC

By: /s/ Scott Roberts

Scott Roberts (P74324)

Attorney for Plaintiff

24359 Northwestern Highway #150

Southfield, MI 48075

(248) 234-4060

scott.f.roberts@gmail.com

Dated: August 31, 2017